

## **REMARKS**

The issues outstanding in the Office Action mailed December 20, 2006, are the rejections under 35 U.S.C. §112, §102 and the doctrine of obviousness-double patenting. Claims 3 and 5 have been indicated as being allowable. Reconsideration of the above issues, in view of the following discussion, is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. §112**

Claim 8 has been rejected under this section of the statute and also under 35 U.S.C. §101 in item 1 of the Office Action at page 2, as a result of the non-US standard format. It is submitted that, in view of the revision of claims 9-12 into a format more usual for US practice, Claim 8 is superfluous and thus has been canceled. The scope of the invention has not been changed by the cancellation of this claim, either literally or for purposes of the doctrine of equivalents, and inasmuch as the subject matter is recited in the above noted amended claims. Withdrawal of the rejection under 35 U.S.C. §112 and §101 is therefore respectfully requested.

Claim 6 has been rejected under 35 U.S.C. §112, second paragraph, as a result of the typographical error in the preliminary amendment. The examiner's noticing of this error is appreciated, and an appropriate correction has been made. Withdrawal of the rejection is also respectfully requested.

### **REJECTION UNDER 35 U.S.C. §102**

Claims 1-2, 4 and 6-12 have been rejected under 35 U.S.C. §102(b) or in the alternative §103 over Tarumi (US 2002/0030180). Reconsideration of this rejection is respectfully requested. All the compounds disclosed in Tarumi are terminated with a -NCS moiety. See, for example, formula I. As a result, these compounds do not anticipate the present claims and, moreover, in view of the absence of the teaching of any interchangeability of this wing group with any other moiety, it is submitted that the disclosure does also not suggest the present claims. Withdrawal of this rejection is thus respectfully requested.

### **DOUBLE PATENTING**

Claim 1-2, 4 and 6-12 have also been rejected under the doctrine of obviousness/double patenting over claims 1, 9-10, 20, 23, 28 and 31 of Tarumi et. al. '491,

the US patent issuing on the publication employed in the above rejection under 35 U.S.C. §102/103. For the same reasons discussed above, it is submitted that the claims of Tarumi do not suggest those of the present application, and withdrawal of this rejection is also respectfully requested.

The claims of the application are submitted to be in condition for allowance. However should the examiner have any questions or comments, he is cordially invited to telephone the undersigned at the number below.

Respectfully submitted,

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